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NEW YORK, NY 10017

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JUN 26 2007

OFFICE OF PETITIONS

In re Application of Urano et al. :
Application No. 09/602,409 :
Filing Date: June 23, 2000 :
Attorney Docket No. 773-008 :

Decision on Petition

This is a decision on the petition filed August 21, 2003, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application. The Office regrets the delay in the issuance of the instant decision.

The petition is **dismissed**.

Facts:

The original address of record was:

Sofer & Haroun, LLP
Suite 1921
342 Madison Avenue
New York, NY 10173

A Notice of Allowance and Notice of Allowability were properly mailed to the original address or record on March 14, 2003.

A "Change of Address" was filed May 21, 2003. The paper stated,

Applicants wish to notify the Examiner that as of March 4, 2002 all communications directed to the Applicants should be mailed to:

SOFER & HAROUN, L.L.P.
317 Madison Avenue
Suite 910
New York, NY 10017
Phone (212) 697-2800
Facsimile (212) 697-3004

The Office updated the address of record.

The issue fee was due on or before Monday, June 16, 2003. The Office did not receive the issue fee. As a result, the application became abandoned as of midnight on June 16, 2003.

The Office mailed a Notice of Abandonment to the new address of record on July 24, 2003.

Petitioner received the Notice of Abandonment.

The instant petition was filed August 21, 2003, and requests withdrawal of the holding of abandonment based on non-receipt of the Notice of Allowance.

Discussion:

Petitioner's failure to timely change the address of record precludes the Office from granting the relief requested.

The change of address filed May 21, 2003, indicated the new address had been in use since March 4, 2002. However, petitioner did not request the address of record be changed prior to the mailing of the Notice of Allowance on March 14, 2003.

Petitioner has not shown the Notice of Allowance would not have been received if petitioner had filed a request to change the address or record prior to the mailing of the Notice of Allowance. In other words, the failure to receive the Notice of Allowance appears to be the result of a failure to keep the Office informed of a current mailing address rather than error by the USPTO or USPS.

For the reasons above, the holding of abandonment will not be withdrawn.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (the issue fee and issue fee transmittal form), the required petition fee (\$1,500 for a large entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. A copy of a blank petition form is enclosed for petitioner's convenience.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney
Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attachments: Form PTO/SB/64
Privacy Act Statement
Copy of papers originally mailed March 14, 2003